every case it is the intention of the creator of the trust which must be sought.

Where, however, the instrument in the light of all the facts is ambiguous on this point, some rule must be adopted. The Massachusetts rule, in allowing the form of corporate action to determine the respective portions of the life-tenant and the remainderman, seems arbitrary. It is a rule easy of application, however; and this is a strong recommendation, since trustees should have a ready guide for their conduct. An objection is found, on the other hand, in the injustice which would result to the life-tenant in case the corporation pursued a policy of declaring stock dividends only. The New York and Kentucky rule avoids the last objection, but in doing so becomes more complicated and difficult of application, since it involves an investigation as to the sources of stock dividends. In their modification of the Massachusetts view, moreover, these courts seem to recognize that the earnings of the corporation are the "income" to which the life-tenant is entitled; but they do not go to the logical conclusion to which this theory would lead, and give the life-tenant only those earnings accruing during his term. This step is taken by the Pennsylvania court, and by so doing it seems to go to the substance of the matter, reaching thereby a position which it can maintain consistently. A just criticism of this rule, however, is that it is often very difficult to apply, since the investigations it involves would often be arduous and fruitless.

The court in the principal case did not base its decision on any of the foregoing rules, but found from the facts evidence of the testator's intention to treat the earnings of the corporation as the "income." Since it was agreed that the increase in price received for the shares was directly traceable to such earnings, this amount was given to the life tenant. In a *dictum* the court favored the Pennsylvania rule which would have brought about the same result. The general confusion in which this question is involved would to a great extent have been avoided had the judges always differentiated cases of ambiguity from those in which the intention of the testator is discoverable. Where, however, the latter guide does not exist, the rule laid down by the Pennsylvania court would seem preferable.

RESTRICTIONS ON THE FREEDOM OF THE PRESS. — The Constitution of the State of New York provides that "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press" (art. 1, § 8). John Most, the anarchist, was convicted under section 675 of the Penal Code, providing that "a person who willfully and wrongfully commits any act which seriously . . . endangers the public peace . . . is guilty of a misdemeanor." The act complained of was the publication of an article advocating wholesale murder of all officers of the government, and suggesting poison and dynamite as the proper means. The defendant's appeal from conviction on the ground that the section of the Code in its application to his case was unconstitutional, was dismissed. *People* v. *Most*, 171 N. Y. 423. Taken literally, the words of the Constitution could bear the interpretation desired by the defendant, the logical but absurd result of which would be that the legislature could not forbid the use of any sort of written language, no matter how pernicious. The correctness of the decision cannot be questioned.

Similar constitutional provisions have been held not infringed by enactments forbidding the publication of accounts or advertisements of lotteries, *Hart* v. *People*, 26 Hun (N. Y.) 396; public speaking on Boston Common without a license, *Commonwealth* v. *Davis*, 162 Mass. 510; the use of profane language, *State* v. *Warren*, 113 N. C. 683; the publishing of an immoral newspaper, *In re Banks*, 56 Kans. 242. The authorities, however, are not entirely unanimous, for, on the other hand, an ordinance declaring a newspaper to be a public nuisance and making it a misdemeanor to sell a copy was held unconstitutional. *Ex parte Neill*, 32 Tex. Crim. Rep. 275. And an order to certain State officers not to participate in politics, or to make political speeches was held void. *Louthan* v. *Commonwealth*, 79 Va. 196. It seems a fair inference from the cases that the guaranty of freedom of speech and of the press is little more than a declaration of English common law principles. Indeed at the present time it is difficult to discover wherein our press, as compared with that of England, has greater liberty by reason of its constitutional protection.

But such was not the case when the "free speech" provisions were being adopted. Though nominally the English press was as free as it is to-day, actually it was far more restricted. For in spite of the abolition of the Star Chamber in 1641, the lapsing of the power to license the press in 1695, and the uniform declaration of English judges that every man was free to publish anything he chose without previous license, being liable merely for the abuse of this freedom, there were reported in Howell's State Trials alone fifty-three cases of libel and "seditious words" during the eighteenth century. Of these twenty-nine were heard between 1783 and 1794. This trend of affairs in England Americans must have seen with concern, and it seems a fair conclusion, therefore, that our forebears meant by the constitutional guaranties to preserve freedom of public discussion, and not merely freedom from censorship. See COOLEY, CONST. LAW, 301. Both Hamilton and Madison appear to have recognized this. The former defended the omission of a Bill of Rights from the Federal Constitution on the ground that the interpretation of such provisions must necessarily be so vague as to render them useless. See THE FEDERALIST, 631, 632. The latter, though he introduced the first ten amendments to the Constitution, did so not because he considered them necessary, but on the ground that many States had ratified that instrument only on the understanding that it should be thus amended. In fact, only the year previous he had written, "This essential branch of liberty [free press] is, perhaps, in more danger of being interrupted by local tumults, or the silent awe of a predominant party, than by any direct attacks of power." 1 WRITINGS OF JAMES MADISON, 195. Read in the light of the intention of the constitutional legislators, the subsequent decisions show that these provisions — found in so many of our constitutions — mean only that a man may freely speak and write what he chooses, so long as he does not thereby disturb private rights, the public peace, or attempt to subvert the government. See STORY, COM. ON CONST. § 1880.

VOLUNTARY PETITION IN BANKRUPTCY BY COMMITTEE OF A LUNATIC. — A decision recently handed down by a United States District Court holds that the Bankruptcy Act of 1898 gives no jurisdiction to entertain the petition of a lunatic, filed by his committee. *In the Matter of Eisenberg*,